

**CITY OF LEADVILLE, COLORADO**  
**Ordinance Number 3**  
**Series of 2011**

**AN ORDINANCE OF THE CITY OF LEADVILLE ESTABLISHING AND IMPOSING A TEMPORARY SUSPENSION AND DELAY IN THE ACCEPTANCE, PROCESSING AND APPROVAL OF APPLICATIONS FOR ANY PERMIT, APPROVAL, OR LICENSE RELATED TO A BUSINESS OR OPERATION THAT GROWS, SELLS, DISPENSES, OR OTHERWISE PROVIDES MEDICAL MARIJUANA PURSUANT TO THE AUTHORITY GRANTED BY ARTICLE XVIII, SECTION 14 OF THE COLORADO CONSTITUTION.**

**WHEREAS**, the City Council finds that there is a potential for, and likelihood of, the continued submission of land use and/or business applications for medical marijuana businesses or operations during the months after the expiration of the state moratorium on July 1, 2011 if the state legislature does not extend their moratorium and prior to the completion of the City staff's preparation of new regulations for such uses; and

**WHEREAS**, it is anticipated that the State of Colorado will consider regulations concerning the operation and regulation of medical marijuana businesses or operations and to that end, the City's proposed regulations should be consistent with any state legislation and regulations.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LEADVILLE, COLORADO:**

**Section 1. Findings and Intent.** The above recitals are incorporated herein by reference and adopted as findings of the City Council of the City of Leadville.

**Section 2. Temporary Suspension and Delay Enacted.** Effective July 1, 2011, no applications, permits or licenses shall be accepted, reviewed, considered or approved by the City related to medical marijuana businesses or operations. The temporary moratorium in the acceptance and processing of applications as specified in this Ordinance shall automatically terminate and this Ordinance shall be automatically repealed as of **11:59 p.m. on Friday, July 1, 2012**, unless terminated earlier by the City Council or extended in its duration by the enactment of another ordinance.

**Section 3. Staff to Investigate and Prepare Proposed Regulations.** Before the expiration of the moratorium imposed by this Ordinance, the City staff, working with the City Attorney, shall prepare appropriate regulations for medical marijuana businesses or operations for consideration by the City Council.

**Section 4. Severability.** Should any one or more sections or provisions of this Ordinance or of any of the primary or secondary codes adopted by reference be judicially determined invalid or unenforceable, such judgment shall not affect, impair or invalidate the remaining provisions of this Ordinance or the codes adopted by reference hereby, the intention being that the various sections and provisions are severable.

**Section 5. Repeal of Previous Ordinances.** Any and all ordinances or codes or parts thereof in conflict or inconsistent herewith are, to the extent of such conflict or inconsistency, hereby repealed; provided, however, that the repeal of any such ordinance or code or part thereof shall not revive any other section or part of any ordinance or code heretofore repealed or superseded and this repeal shall not affect or prevent the prosecution or punishment of any person for any act done or committed in violation of any ordinance hereby repealed prior to the effective date of this Ordinance.

**Section 6. Effective Date.** This Ordinance shall take effect and be in full force thirty (30) days following final adoption and publication pursuant to Section 31-16-105, C.R.S.

**INTRODUCED, READ, APPROVED AND ORDERED PUBLISHED in full on first reading this 18<sup>th</sup> day of April, 2011.**

CITY OF LEADVILLE, COLORADO

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Rhonda Huggins, Mayor ProTem

ATTEST:

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Joseph Swyers, City Clerk

PUBLISHED in full in *The Herald Democrat*, a newspaper of general circulation in Leadville, Colorado, on the 28<sup>th</sup> day of April, 2011.

PASSED AND ADOPTED ON FINAL READING AND ORDERED PUBLISHED BY TITLE ONLY with amendments on the 17<sup>th</sup> day of May, 2011.

CITY OF LEADVILLE, COLORADO

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Bud Elliott, Mayor

ATTEST:

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Joseph Swyers, City Clerk

PUBLISHED by title only with amendments in *The Herald Democrat*, a newspaper of general circulation in Leadville, Colorado, on the 26<sup>th</sup> day of June, 2011.